THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.22649 OF 2005

DATED: 29-06-2007

BETWEEN

M.V. Ramana,
S/o. Adinarayana,
Occ: Contractor,
R/o. P.R.T. Colony,
Visakhapatnam.

...PETITIONER

AND

The Visaka Dairy,
Visakhapatnam,
Rep. by its Managing
Director and another.

...RESPONDENTS

ORDER:

None appears for the petitioner.

2. Petitioner seeks a Writ of Mandamus to declare the tender notification issued by the first respondent vide Notice No.26/AM4/Marketing/2005 dated 06.10.2005 calling for the tenders from the C - Book holders for transporting the milk and milk-made produce through insulated vehicles through the notified routes to the Visakha Cooperative Dairy from 16.10.2005 for a period of three years, as illegal and violative of the tender rules.

3. The contention of the petitioner in the writ affidavit that the tender schedule was not given to him on the ground that he could not produce C – Book on that day has been denied in the counter stating that the tender was sold to each and everybody who has paid Rs.100/- towards the cost of the tender notification and the C – Book was required for the purpose of verification of ownership of vehicle at the time of opening of tenders. Thus, it

is stated that the petitioner has not at all purchased any tender and therefore, he is not entitled to question the same.

4. However, on a perusal of the tender notification, I am of the opinion that the nature of the goods to be transported are milk and milk-made produce, therefore, insisting upon insulated vehicles cannot be said to be illegal and arbitrary. Therefore, I do not see any merits in the writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

June 29, 2007
DSK